

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA, §
Plaintiff-Respondent, §
§
v. § Cr. No. C-09-584 (2)
§
NOE VERDE-MUNOZ, §
Defendant-Movant. §

**MEMORANDUM OPINION AND ORDER
DENYING MOTION TO REDUCE SENTENCE**

Pending before the Court is a *pro se* letter motion from Noe Verde-Munoz dated November 10, 2009. The letter, which was received by the Court on November 16, 2009, is written entirely in Spanish, and the Court's federally certified interpreter has translated the letter into English. The Clerk is directed to docket the motion with the translation as a motion to reduce sentence.

The letter asks that the Court reduce Defendant's sentence so that he can be released in early December 2009, in order to spend Christmas with his family. He claims that he intended to ask for a sentence of time served at his sentencing, but did not do so because he thought his attorney would ask. He claims that his attorney did not make such a request, either.

Verde-Munoz pleaded guilty to Count One of the three-count indictment against him, which charged him with conspiracy to transport unlawful aliens within the United States, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(I), and 1324(a)(1)(B)(i). (D.E.

28, 30.) He was sentenced by this Court on November 5, 2009 to a 6-month term in the custody of the Bureau of Prisons, to be followed by a three-year term of supervised release. (D.E. 42, 43.) Judgement was entered against him on November 9, 2009. (D.E. 43.) He did not appeal.

In the pending motion, Verde-Munoz asks for a shorter sentence because he believes the sentence he has served has been “sufficient” and he does not “have any problems of any type.” He wants to be released “once December starts” so that he can “go to spend Christmas with [his] family.” (Translation of Letter Motion at 1.)

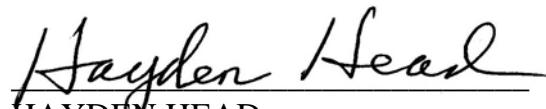
Although Verde-Munoz does not identify any statute pursuant to which he seeks relief, the Court construes his motion as requesting a reduction in sentence pursuant to 18 U.S.C. § 3582. This Court has authority to modify or correct a previously imposed sentence only in the “limited number of circumstances” set out in 18 U.S.C. § 3582(c). United States v. Bridges, 116 F.3d 1110, 1112 (5th Cir. 1997). These circumstances are limited to the following: (1) when the Bureau of Prisons (“BOP”) moves the Court to modify the sentence for reasons outlined in § 3582(c)(1); (2) under Fed. R. Crim. P. 35 (on the government’s motion due to substantial assistance or to correct a clerical mistake within seven days of the date the sentence was imposed); and (3) when the guidelines under which the defendant was sentenced have been subsequently lowered, and a modification of sentence is consistent with the guidelines’ policy statements. See § 3582(c).

Verde-Munoz's grounds for relief do not fall within any of the categories above. He merely states that he believes the sentence imposed is sufficient and that he wants to celebrate the Christmas holiday with his family. Therefore, the Court does not have authority to alter his sentence and his motion is DENIED.

CONCLUSION

For the foregoing reasons, the Clerk is directed to docket Verde-Munoz's letter and the English translation of it as a motion to reduce sentence. The motion to reduce sentence is DENIED.

It is so ORDERED this 11th day of December, 2009.


HAYDEN HEAD
SENIOR U.S. DISTRICT JUDGE